

REMARKS

The office action of November 16, 2004, has been carefully considered.

It is noted that claims 1-29 are rejected under 35 U.S.C. 103(a) over the patent to Ohlin in view of the patent to Harris et al.

In view of the Examiner's rejection of the claims applicant has amended independent claim 1.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Ohlin, it can be seen that this patent discloses a device for cleaning the exterior of an elongated body. This reference has been discussed in some detail in the previous two amendments and those comments are incorporated herein by reference. Ohlin does not teach or suggest the present invention. In claim 1 of the present application the instrument holder is configured to hold at

least two instruments at predefined locations so that the instruments are directed downwards. Thus, the presently claimed invention is configured to simultaneously wash different instruments from all sides. Ohlin only teaches a device that can hold one instrument. Additionally, the instrument washed by Ohlin must have a diameter that has a defined radial relationship to the diameter of the wash ring. Apparently it would be possible to wash a bundle of thin capillaries with the wash ring. However, applicant doubts that all the capillaries would be washed equally well since the vacuum system of Ohlin can only function when it handles a tightly packed bundle since otherwise the washing fluid would leak or flow out of the wash ring or washing device and would not be completely pumped out. Otherwise Ohlin has no teaching concerning the possibility of simultaneously cleaning more than one instrument, as in the presently claimed invention.

The Examiner combined the patent to Harris et al. with Ohlin in determining that claims 1-29 would be unpatentable over such a combination. Applicants do not understand how the Examiner combines these references. The difference between the present invention and Ohlin is that the present invention can hold more than one instrument for cleaning, and furthermore the wash ring does not need to be closed. The present invention can also be used

for long instruments with differing diameters since there is no need for a defined relationship between the diameter of the instruments and the diameter of the wash ring. In order to teach the presently claimed invention, a further reference must, in applicants' opinion, teach a system with a single or common washing device for a number of instruments, which instruments can have differing diameters. The further reference must also teach wash jets in a wash ring. Harris et al. do not teach these features.

The patent Harris et al. discloses an automated patient sample analysis instrument having tubes and reaction wells washing apparatus. This patent is completely different from the present invention. In Harris et al. the samples are analyzed on a microtiter plate. The washing device serves to wash the microtiter plates or the wells in the plates. Such a microtiter plate usually has 96 wells arranged in 12 rows of 8. Each well can only hold a milliliter of liquid. With such a device each row of wells is subjected to similar or identical operations (for example the introduction of reagents, washing etc.). This means that the device is suited for working on an entire row simultaneously and the operation is carried out automatically. For this purpose Harris et al. provide a number of analysis units next to each

other. These units include, among other things, an aspiration needle for taking or providing a liquid in one or more of the wells, and another needle for providing washing fluid on the aspiration needle and the well. Harris et al. teach 8 parallel jets (Fig. 14 shows one of the jets) each of which is intended for washing one well and one associated aspiration needle. The dimensions and diameters of the wash needles given by Harris et al. are matched to the size of the microtiter plate. With a larger diameter evidently a number of wells would be simultaneously washed and their content mixed, which is not desired.

Harris et al. thus teach, in the broadest sense, a washing jet in the form of a needle that is directed toward an instrument and a number of these individual devices are arranged next to each other in a row. Thus, Harris et al. deal with a single stationary wash jet, and nothing more. There is also no teaching of a jet arranged in a wash ring to be directed radially inwardly.

Thus, it is respectfully submitted that the combination of references does not teach or suggest the invention recited in the claims presently on file and discussed above.

In view of these considerations it is respectfully submitted

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that the rejection of claims 1-29 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 4, 2005.

By:



Friedrich Kueffner

Date: January 4, 2005